United Nations S/PV.7798

Security Council

Seventy-first year

Provisional

7798th meeting

Monday, 31 October 2016, 12.45 p.m.
New York

President:	Mr. Churkin	(Russian Federation)
Members:	Angola	Mr. Lucas
	China	Mr. Shen Bo
	Egypt	Mr. Aboulatta
	France	Mr. Delattre
	Japan	Mr. Akahori
	Malaysia	Mrs. Adnin
	New Zealand	Mr. Van Bohemen
	Senegal	Mr. Ciss
	Spain	Mr. Oyarzun Marchesi
	Ukraine	Mr. Yelchenko
	United Kingdom of Great Britain and Northern Ireland	Mr. Rycroft
	United States of America	Ms. Sison
	Uruguay	Mr. Rosselli
	Venezuela (Bolivarian Republic of)	Mr. Ramirez Carreño

Agenda

The situation in the Middle East

Letter dated 21 October 2016 from the Secretary-General addressed to the President of the Security Council (S/2016/888)

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16-35153 (E)

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The meeting was called to order at 12.45 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Middle East

Letter dated 21 October 2016 from the Secretary-General addressed to the President of the Security Council (S/2016/888)

The President (*spoke in Russian*): The Security Council will now begin its consideration of the item on its agenda.

I wish to draw the attention of Council members to document S/2016/888, which contains a letter dated 21 October 2016 from the Secretary-General addressed to the President of the Security Council.

Members of the Council have before them document S/2016/905, which contains the text of a draft resolution submitted by the United States of America.

The Council is ready to proceed to the vote on the draft resolution before it. I shall put the draft resolution to the vote now.

A vote was taken by show of hands.

In favour:

Angola, China, Egypt, France, Japan, Malaysia, New Zealand, Russian Federation, Senegal, Spain, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay and Venezuela (Bolivarian Republic of)

The President (*spoke in Russian*): The draft resolution received 15 votes in favour. The draft resolution has been adopted unanimously as resolution 2314 (2016).

I now give the floor to those members of the Council who wish to make statements after the vote.

Ms. Sison (United States of America): The United States welcomes the decision of the Security Council to extend the mandate of the Joint Investigative Mechanism (JIM). This brief extension is intended to give the Council additional time to ensure the renewal of the JIM mandate for another year.

The Council faces some very difficult decisions around its core responsibility of maintaining international peace and security. This should not be one of them. All of us need only recall the situation before the JIM was created to address chemical weapons allegations in Syria. The Organization for the Prohibition of Chemical Weapons was able to tell us that chemical weapons were used, but there was no mechanism to ascertain who was using them. As a result, users of chemical weapons felt that they enjoyed complete impunity. The international system had a huge gap in its prevention and response architecture.

The work of the JIM is critically important to identifying the individuals, entities, groups or Governments involved in chemical weapons attacks. That information is invaluable to the Council, to the international community and to the victims of those dreadful attacks. Last Thursday's Council briefing by the JIM panel and Under-Secretary-General Kim Won-soo was deeply sobering. As we all know, the JIM affirmed yet another incident in which the Al-Assad regime used chemical weapons. That was the third attack in which the JIM has reached that conclusion. There is credible evidence that there have been many more chemical weapons attacks by the regime. In other words, an independent, impartial body of experts operating under a mandate of the Security Council has determined unambiguously that a State Member of the United Nations has repeatedly used chemical weapons against its own people.

The JIM has also found the Islamic State in Iraq and the Levant (ISIL) at fault for the chemical weapons attack on Marea. We have seen the allegations of additional use and agree that use by terrorists poses a profound threat. Use by ISIL is yet one more affirmation of the importance of the United States-led coalition's fight against that monstrous group. We reaffirm the importance of the JIM maintaining its mandate to investigate alleged use by any actors, whether they by the Syrian air force or terrorist groups.

Lest we lose sight of the effects of such weapons, I will give one example from the many first-hand accounts. Here is what a doctor observed after an incident on 10 August in which a helicopter reportedly dropped a barrel bomb containing a toxic chemical on Aleppo's Zabdiya neighbourhood. He said that at first, two children and their mother arrived at the hospital.

> "The children were unconscious and unresponsive. Their mother was shivering, coughing and wheezing. She could barely breathe and was drooling heavily from her mouth. Her

clothes were covered in a wet substance with a sharp smell, like chlorine. The two kids went into cardiac arrest after around 15 minutes. We tried to resuscitate them, to no avail. Five minutes later, the mother also died."

The question is, why would the Council not want to know who was involved in those attacks? Why would we stop the work of the JIM when there are multiple credible allegations of the use of chemical weapons that have yet to be fully investigated? And why would we stop a group whose findings could one day help to hold accountable those involved in such grotesque acts? The answer is simple. We must condemn and hold responsible whomever is involved in those chemical-weapon attacks. The JIM is a key tool for helping us to do that. We cannot pinpoint its precise deterrent value, but we can say that in the year since it was created, the number of reported attacks has significantly decreased.

Now, even a single chemical-weapon attack is one too many, but why would any Council member risk going back to the world we had before the JIM, when there were many more such attacks? Why would we create a new gap in the international system? Others may argue that we should broaden the JIM's mandate so as to focus on multiple countries. To take time and resources from the JIM's work in Syria would constitute a significant distraction and further delay its critical work. The JIM was set up in Syria for a specific reason — to find out who was involved — and for that reason it should remain focused on Syria. We look forward to discussions in the next few days. It is imperative that the JIM be allowed to continue this critically important and unfinished work.

The President (*spoke in Russian*): I shall now make a statement in my capacity as representative of the Russian Federation.

The Russian delegation found it possible today to support the short-term technical extension of the mandate of the Organization for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mission (JIM) on the use of chemical weapons in Syria. We are grateful to the authors of resolution 2314 (2016) for their understanding of our position, which has enabled us to preserve the constructive spirit of the work on the Syrian chemical-weapons dossier, as represented by resolutions 2118 (2013) and 2235 (2016).

We took this step in the belief that during the interval provided for in the new resolution, Council members will be able to have a thorough discussion of possible ways to improve the JIM, based on the experience that has been gained, and to address the systemic shortcomings that were revealed during the presentation of the reports on its results. We submitted our detailed comments on them to a wide audience after the Council's consultations on 27 October, and they are available to all, so I will not repeat them now. We do not intend to be severely critical of the Mechanism's leadership, since we realize that it was obliged to present at least some of the results of its work and was not able to do that convincingly, given the circumstances.

No one should resort to chemical weapons. The scale of the threat of chemical terrorism in the Middle East should put the international community on alert and force it to come up with an appropriate response. Thanks to the serious military conflicts in the region, terrorists have learned to synthesize complex poisonous agents and are able to transport them across borders, exploiting weakened State control and often with assistance from outsiders. We firmly believe that in such circumstances, the JIM's geographic scope should not be limited to Syria alone and that it should focus its thrust on the military and chemical danger posed by non-State actors in general and terrorists in particular.

It would make sense to invite Syria's neighbours to cooperate fully with the Mechanism in its fulfilment of its mandate and to inform it about any activities of non-State actors relating to chemical weapons. It should trace occurrences and conduct impartial investigations. This will mean collaborating productively with all the States in the region, many of which are already experiencing the negative effects of chemical terrorism attacks.

If at the next stage of this discussion the members of the Security Council consider the JIM's continued work under a reoriented mandate appropriate, it will be important to avoid the politicization of the issue that has so far seriously hindered the work of the Mechanism. Everyone should understand that this is not a toy for yet again enabling someone to criticize the Syrian Government, which, as we know, has already begun to investigate the JIM's findings at the national level.

I now resume my functions as President of the Security Council.

Mr. Rycroft (United Kingdom): The United Kingdom welcomes the unanimous adoption today of resolution 2314 (2016). Its short-term extension of the

Organization for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism (JIM) was needed to allow additional time for the Council to continue its consultations on a full renewal of the JIM's mandate for another year.

The continuing need for the JIM is painfully clear. The pattern of chemical attacks in Syria continues. The Fact-Finding Mission of the Organization for the Prohibition of Chemical Weapons (OPCW) is currently investigating at least four cases that have arisen since August. The OPCW will not itself be able to identify the perpetrators of those attacks. Both the Syrian Government and Da'esh have been blamed, and that is precisely why we first created the JIM and why its work remains as important now as it was more than a year ago, when we adopted its first mandate to fill the gap in the international architecture for attributing responsibility for the use of chemical weapons that had been proven by the OPCW.

Thanks to the JIM's hard work, we know without doubt who is responsible for killing and maiming civilians in Syria with chemical weapons. It has now been conclusively demonstrated that both the Al-Assad regime and Da'esh have used chemical weapons against civilians in Syria. Those weapons continue to be used in flagrant violation of international norms and laws, and at complete odds with basic human decency. Such barbaric weapons had no place on the battlefield 100 years ago, never mind today. But in the light of the continuing use of chemical weapons, it is imperative that we retain the JIM, both to act as some sort of deterrent and to determine who is responsible for such attacks. It is simply not good enough to determine whether chemical-weapon attacks have occurred without knowing who was responsible. We need to know who was responsible in order to bring them to justice. As I have said on many previous occasions, there must be accountability for every single person involved in any use of chemical weapons, in Syria or indeed anywhere else.

I agree with Russia that we should improve the JIM and refrain from politicizing it, and that action should be taken, including against any use of chemical weapons by non-State actors. That is why much work has been done, led by Spain and others, on strengthening our work under resolution 1540 (2004). What I do not think we should agree to is any distracting of the JIM away from its central mandate, which is to focus on the situation in Syria. Yes, the countries neighbouring Syria should cooperate with it — all countries should — but the JIM's mandate concerns attacks that have happened in Syria, whether perpetrated by the Syrian regime or Da'esh, and that should continue. There is a big difference between Syria, on the one hand, and countries such as Iraq and Turkey, on the other. It is only Syria that has used chemical weapons against its own people.

Mr. Delattre (France) (*spoke in French*): France welcomes the unanimous adoption of resolution 2314 (2016). France wholeheartedly supports the Organization for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism (JIM) and therefore, of course, today's resolution, which enables us to extend the JIM's mandate until 18 November. We hope that this is simply a preparatory step before the full and complete renewal of the mandate for another year. We urge all Council members to commit immediately and in good faith to that effort.

The JIM's latest report (S/2016/888) leaves no more room for doubt. We know that the Syrian Arab Army and Da'esh have not hesitated to use chemical weapons against civilians in Syria on at least four separate occasions. In addition to the overwhelming evidence against the Syrian regime and Da'esh, this especially serious and unacceptable attack undermines the non-proliferation and our collective security as a whole.

Given such dire stakes, political divisions within the Council on the Syrian conflict must be set aside so that we can act. Given such dire stakes, action is not an option but a necessity, and it is our responsibility. We cannot allow violations of international law prohibiting chemical weapons and their use, and we cannot take the risk of allowing such actions to become commonplace. It is up to all members of the Security Council to shoulder their responsibilities pursuant to the commitment undertaken in establishing the Joint Investigative Mechanism (JIM).

We need to draw all the appropriate lessons from the reports issued by the Mechanism and ensure that those crimes reported do not go unpunished. As Foreign Minister Ayrault has said repeatedly and openly, France is in favour of the eventual adoption of a resolution under Chapter VII to sanction the perpetrators of the chemical attacks, as identified by the JIM. Given the serious nature of those crimes, it is of paramount importance that we ensure that the JIM continues to

function so that any further resort to chemical weapons against civilians will be reported.

The Joint Investigative Mechanism has fully lived up to our expectations by reaching accurate findings in very difficult circumstances, despite failing to enjoy the full cooperation of all actors. The Mechanism was established upon a unanimous decision of the Security Council. There is therefore no question about its legitimacy. France commends the the commitment and professionalism of its members and the rigour and earnest of their methodology.

Let us call a spade a spade. If the Security Council is not in a position to shoulder its responsibilities vis-à-vis the proliferation and use of weapons of mass destruction — in this case, chemical weapons — against civilian populations, its credibility and utility will be at stake. France therefore calls on all members of the Security Council to come together, set aside our differences about the Syrian conflict to put a swift end to the use of chemical weapons and hold the perpetrators to account. When proliferation and the use of weapons of mass destruction are at stake, weakness and division for tactical purposes cannot be an option.

Mr. Shen Bo (China) (*spoke in Chinese*): China welcomes the unanimous adoption of resolution 2314 (2016). China's position on chemical weapons is clear and consistent. We are strongly opposed to the use of chemical weapons by any State, organization or person in any circumstances.

China is deeply concerned about the use of chemicals as weapons in Syria against the civilian population and strongly condemns such use. China consistently advocates for the Organization for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism to perform its functions in line with its mandate and in an objective, impartial and professional manner. We hope that the Joint Investigative Mechanism, while respecting the sovereignty of the countries concerned, will fully investigate and establish the facts regarding the use of chemicals as weapons.

China hopes that the Security Council will remain united on the question of chemical weapons in Syria and speak with one, positive voice so as to play a positive role in the final destruction of chemical weapons in Syria and the maintenance of peace and security in the country.

Political settlement is the only realistic way to resolve the Syrian question. The international community should adhere to the general direction of political settlement and comprehensively promote efforts on the four parallel tracks of ceasefire, peace talks, humanitarian relief and joint forces to combat terrorism. Through a Syrian-owned and led political process, it should facilitate the conclusion of an arrangement that addresses the interests of all parties concerned so as to reach a comprehensive, long-term and appropriate settlement of the Syrian question at an early date.

Mr. Yelchenko (Ukraine): We welcome the adoption of resolution 2314 (2016) and commend the Organization for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism (JIM) for its efforts in executing its mandate based on the principles of impartiality, objectivity and independence. All four JIM reports have proved the importance of having the Mechanism in the future, since there are still many cases of possible use of chemical weapons in Syria, including in 2016, that deserve to be thoroughly investigated.

We are deeply concerned over the continuous allegations of the use of toxic substances as chemical weapons in Syria, which cause enormous suffering among civilians and are a blatant violation of international legal norms. Removing the threat of any use of chemical weapons in the Syrian Arab Republic is an essential element in creating proper conditions for de-escalating tensions on the ground, tackling extremism and attaining a sustainable political solution to the crisis in a broader context. The international community must have full confidence that Syria has irreversibly abandoned its chemical weapons programme and that those responsible for organizing and committing horrible crimes using chemical weapons as a tool of war are held accountable.

To conclude, I would like to thank the Joint Investigative Mechanism for its efforts and significant contributions to deterring any further use of chemicals as weapons against the Syrian people. My delegation is ready to cooperate actively and in a constructive way in order to ensure that the JIM mandate will be further extended for a sufficient term in order to execute its crucial tasks, in accordance with paragraph 1 of the resolution adopted today.

Mr. Akahori (Japan): Japan is in favour of the renewal of the mandate of the Organization for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism (JIM) by 18 days while it considers a further extension. The JIM has conducted its work in an impartial, objective and independent manner and identified those responsible for the use of chemical weapons in four cases. On the other hand, it is very regrettable that another 14 allegations have been reported to the Joint Investigative Mechanism in the past 30 days, according to Ms. Gamba, Head of the JIM.

The international norm of prohibiting chemical weapons must remain solid. We need to continue efforts to uncover the whole picture of the alleged uses of chemical weapons in Syria and hold accountable those responsible. The JIM still has a major role to play. Japan is in favour of a further extension of the JIM mandate beyond the 18 days and intends to be actively engaged in the Council's consideration.

The President (*spoke in Russian*): On behalf of the delegation of the Russian Federation, I would like to express sincere appreciation to the members of the Council, especially my colleagues the Permanent Representatives, their Deputies and colleagues, as well as the staff of the secretariat of the Security Council, for all of the support that they have given to us.

In this busy month, we have managed to reach consensus on several important issues, although not all. We could not have done it alone or without the hard work, support and constructive contributions of every delegation and representative of the secretariat, as well as the interpreters, translators, meeting services and sound engineers, in addition to security officers, who kept the Council safe this month.

As we end our presidency, I know I speak on behalf of the Council in wishing the delegation of Senegal good luck in the month of November.

The meeting rose at 1.10 p.m.